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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,462	02/15/2001	Valdemar L. Washington	WVA-12202/04	2833

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EXAMINER

ZHONG, CHAD

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

3

## Office Action Summary

Application No.

09/784,462

Applicant(s)

WASHINGTON, VALDEMAR L.

Examiner

Chad Zhong

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-6 are presented for examination.

*Claim Rejections - 35 USC § 112, second paragraph*

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following terms lack antecedent basis:

- i. the employee – claim 1.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Boulton et al. (hereinafter Boulton), US 5,537,618.

5. As per claim 1, Boulton teaches a method for anonymously communicating employee comments to an employer of the employee comprising the steps of:

transmitting said employee comments from the employee to a third party, said third party being independent from the employer (Fig 1 and 2; Col. 4, lines 16-33; Col. 9, lines 7-10);

said third party removing all employee identifying indicia from the comments to thereby form

Art Unit: 2154

redacted comments (Col. 5, lines 10-12, lines 31-32; Col. 4, lines 16-33, lines 53-55; Col. 45, lines 1-5; Col. 18, lines 7-30); and

said third party thereafter forwarding said redacted comments to the employer (Col. 54, lines 30-46; Col. 57, lines 39-45, lines 50-56; Col. 58, lines 9-19).

6. As per claim 2, Boulton teaches the method as defined in claim 1 wherein said transmitting step further comprises the step of transmitting said employee comments over a telecommunications network (Fig 1 and 2; Col. 10, lines 33-37).

7. As per claim 3, Boulton teaches the method as defined in claim 2 wherein said communications network comprises the world wide web (Fig 1 and 2; Col. 10, lines 33-37).

8. As per claim 4, Boulton teaches the method as defined in claim 1 wherein said forwarding step further comprises the step of transmitting said redacted comments over a telecommunications network (Fig 1 and 2; Col. 10, lines 33-37).

9. As per claim 5, Boulton teaches the method as defined in claim 4 wherein said communications network comprises the world wide web (Fig 1 and 2; Col. 10, lines 33-37).

10. As per claim 6, Boulton teaches the method as defined in claim 1 wherein said identifying indicia comprises an e-mail address (Col. 9, lines 49-51; Col. 57, lines 39-45).

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to

Art Unit: 2154

“METHOD FOR ANONYMOUSLY COMMUNICATING EMPLOYEE COMMENTS TO AN EMPLOYER”.

- |      |            |               |
|------|------------|---------------|
| i.   | US 4952913 | Pauley et al. |
| ii.  | US 3988570 | Murphy et al. |
| iii. | US 5778174 | Cain.         |
| iv.  | US 5924103 | Ahmed et al.  |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (703) 305-0718. The examiner can normally be reached on M-F 7am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 703-305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CZ  
April 28, 2004



**JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**